

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

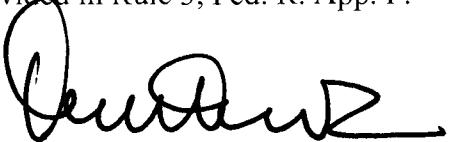
DEANTHONY KIRK, )  
Petitioner, )  
 )  
vs. ) Civil Action No. 18-1320  
 )  
ROBERT GILMORE, )  
Respondent. )

O R D E R

AND NOW, this 19<sup>th</sup> day of November, 2018, after the petitioner, DeAnthony Kirk, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 2), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 1) is dismissed as a successive petition and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



Mark R. Hornak  
United States District Judge

cc: DeAnthony Kirk  
KG-1155  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370